

# New Ulm Review

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## PLAINTIFF OUTLIVES ANIMALS SUED FOR

### ACTION, TWICE TRIED IN DISTRICT COURT GOES UP AGAIN.

### TWO DEFENDANTS AND TWO HORSES HAVE DIED SINCE SUIT BEGAN.

The famous Berkner horse case, which has been bouncing back and forth between the district court of this district and the state supreme court for the past four or five years, is again on the docket of the higher court, this time on an appeal from the decision of Judge A. R. Pfau of Mankato, at whose order judgment was entered against the plaintiffs for sums totaling about \$650. The appeal to the supreme court is to prevent execution of this judgment.

The case is one of the most peculiar ones handled in the district court, inasmuch as two of the defendants are dead and two of the horses also. The case originated in the township of Mulligan, Brown county, along in the latter part of 1908, when Frank Curtright gave a mortgage to Willis L. Cunningham on three horses. Later these same animals were again mortgaged, in favor of Berkner Bros., the plaintiffs in the present case. It seems that Cunningham wanted to get his money from Curtright and upon his advice Curtright arranged, advertised and held a public auction, at which among other chattles and goods these horses were sold to the highest bidders. After the auction Berkner Bros., repurchased the horses under their mortgage and started suit against the purchasers at the auction for possession of the animals. The first time the case was tried in Brown county before Judge Pfau and he held that inasmuch as the plaintiffs in the case had been duly notified of the proposed auction sale and at that time did not put in an objection they had no recourse at law. This decision was appealed from to the supreme court, which body remanded the case back to the district court on a writ of error. The second case came up before Judge Pfau at Mankato, where the old evidence and some new points were introduced, but the court again held for the defendants and entered judgment against the plaintiffs accordingly. The present appeal is from the judgment.

A string of attorneys are interested in the case, Brown Abbott & Somsen of Winona and several assistants representing the plaintiffs and A. Erickson, L. G. Davis and Edward C. Farmer the defendants.

The defendants in the case were Martin Sherman, Wm. Schmitt and Dudley G. D. Evelyn. The two latter are dead, their defense being conducted by the administrators of their estates.

## WILL REBUILD SUMMER RESORT.

John Hardegger of Lake Jefferson who recently lost his fine summer hotel at Point Pleasant by fire, has decided to rebuild this spring and is now busy laying plans for the same. Mr. Hardegger plans to sell the Beaver Dam property, where his family is residing since the fire, and will rebuild the Point Pleasant place large and better than before. The new building will contain a large dining room, kitchen and a few beater rooms, while several additional cottages will be built nearby to take care of the summer patronage. The loss on the property destroyed by fire was six or seven thousand dollars.

## LE SUEUR MILL SUED.

Dispatches from St. Louis state that suit has been started against the proprietors of the flour mill at Le Sueur, for alleged infringement on the patent rights of a St. Louis firm in the using of a flour bleaching process, protected by patent rights by the complaining concern. The suit has been started in the federal courts and will be tried at Mankato in the near future.

## CONDUCT OF RURAL SCHOOLS IS TOPIC FOR EDUCATORS.

County superintendents of schools of Southern Minnesota met at Mankato last Thursday in annual session to discuss matters relating to the successful conduct of the rural schools. Among the topics taken up were "The Teachers' Training Department," "Teachers' Institutes," "The Rural School Committee," "County Superintendents" and "Consolidation of Rural School Districts."

Prof. E. T. Critchett, formerly superintendent of the New Ulm public schools

but now director of the Teachers' Employment Bureau, attended the meeting as did C. C. Sain, State Rural School Commissioner, of the state department of education.

Supt. R. B. Kennedy of this county attended the sessions.

## NEW BANK STARTED AT JUDSON.

### Financiers of Blue Earth And Nicollet Counties Organize State Bank.

A new banking institution under the name of the Farmers' State Bank will be started at Judson within the next week or two. Its charter was issued last week and as soon as the proper quarters can be secured operations will begin.

The new banking institution is organized by prominent residents of Blue Earth and Nicollet counties. O. K. Door of Nicollet township will be president and E. R. Jones, present cashier of the North Mankato State bank, vice president. The active management of the new bank will be in the hands of W. W. White of Newport, Calif. Mr. White is an experienced banker and graduate of Georgetown (Wash. D. C.) law school. He will at once remove to Judson with his family.

The capital stock of the bank is \$10,000 and all of it has been subscribed by business men and farmers of the two counties. Judson is one of the most thriving little villages in this section of the state, having one of the richest farm sections of the country tributary.

## BAND PREPARING FOR ANNUAL CONCERT

Members of the Second Regiment band are busily engaged in preparations for the annual concert of that musical organization to take place on Sunday evening, Feb. 27, at the new armory. Several diversions from the usual program are made this year, by interspersing the musical numbers with a couplet and humorous trio. The complete program appears elsewhere in this issue, in their advertisement.

## POSTOFFICE CLERKS WILL BE EXAMINED.

Four of the local clerks at the post-office will have to submit to an examination beginning Thursday, Feb. 24, and continuing every day until the entire list has been through. Assistant Postmaster Weddendorf also will take the civil service examination. The clerks who will have to stand examination are the following: Fred Oswald, Joseph Karl, Edwin Alwin and Herbert Baltrusch. The examination is an annual affair which all clerks below a certain grade have to undergo.

The examination this year will be conducted by the chief clerk of the civil service commission for this district, Wm. R. Hildegick of St. Paul.

## BABY, SOLE SURVIVOR OF FAMILY, GETS \$10,000.

The Standard Oil Company has effected a settlement with the sole surviving member of the Harry Howe family of Kiestler, a baby boy of six months, whose parents lost their lives in a fire caused by the explosion of gasoline at their home at Walters, east of Blue Earth a short time ago. Speaking of the case the Albert Lea Tribune says:

"After a thorough investigation of causes leading to the explosions, it was found that the cans containing what was supposed to be only kerosene in reality contained a mixture of gasoline and that some supply house had made a serious mistake in delivering the stuff to customers. The Standard Oil people paid over the sum of \$10,000, which will be kept in trust for the Howe baby, and to Bert Howe, a brother of Harry Howe, they gave the sum of \$1,000. Bert was most terribly burned in his heroic efforts to save the lives of Mr. and Mrs. Howe. His condition is not serious however, for he is recovering from the effects of the burns.

"The Howe baby is also heir to the \$2,000 life insurance policy which its father carried in the Woodmen order."

## MAYOR FRITSCHE WILL NOT ACCEPT OFFICE AGAIN.

Dr. L. A. Fritsch, who has been mayor of New Ulm for the past six years stated to a representative of the Review yesterday that he will positively decline to run again for the office, or to accept it should he be named for the place. He says there are many competent men any one of whom would make a good chief executive of the city and he wants to see the honor passed around.

The columns of the Review are open to its readers and any suggestions along that line will be properly taken care of and given the necessary publicity.

## SLEEPY EYE MONEY MAY RE-OPEN MILL

### NEW ULM PARTIES ALSO CONTEMPLATING INVESTMENT IN CONCERN.

### MAY MEAN CLOSE AFFILIATION BETWEEN INTERESTS OF TWO CITIES.

It appears that a move is on foot in Sleepy Eye to re-open the mill there just as soon as matters can be adjusted with the company appointed as receiver, according to Sleepy Eye business men who were in conference with local millers and other business men a few days ago. These gentlemen state that several of the wealthy farmers in the vicinity of Sleepy Eye have offered to come forward with the coin of the realm if they can be shown that the business will be conducted upon a sound, non-speculative basis.

Their visit to the city, while given out as simply a social call, is regarded in a different light by those who have been keeping tab on the situation in the neighboring city. It is said that several people now interested in mills in New Ulm may become identified with the Sleepy Eye venture, if not active, at least in an advisory capacity. Also that the New Ulm parties have a man in view who will be able to handle the business and financial end of the company on account of his present connections. Should this part of the deal go through and the mill be re-opened with Sleepy Eye and New Ulm capital behind it, it is believed that the proposition can be proved a success.

Inquiry at Sleepy Eye Monday did not reveal anything new in the milling situation, except that the commercial club had taken the matter up at a recent meeting and was working to re-open the mill, either by the receiver or through the re-organization of the company. The closing of the mill is a severe blow to the business interests of Sleepy Eye, as quite a few men were thrown out of employment and the business transacted daily at the mill had been a considerable source of income for many of the merchants.

It is expected that a meeting of the assessors of Brown county will be held in the near future at the call of the state tax commission, which is now conducting similar meetings in various parts of the state. The regular annual meeting of the county assessors with the county auditor will be held this year on April 27.

## IMPROVEMENTS FOR OLD HOTEL CORNER

### BUILDING ACTIVITY OF CITY WILL EXTEND TOWARD SOUTH SIDE.

### TWO STORY BUILDING PLANNED FOR CORNER FIRST SOUTH STREET.

That the business district will gradually have to expand towards the southern part of the city is the belief of many of the property owners of that section of the city and already several new improvements are being planned for that end of Minnesota street. It is said that the old Washington house property is the object of several of the local investors, who intend to construct a large apartment house there, believing that its close proximity to the downtown section will find ready tenants. Another venture in the same vicinity is also talked about and may materialize into something tangible within the next few weeks if certain real estate deals now pending go through.

One of the larger improvements, however, is an assured fact and that is the erection of a business block on the site of the old Merchants hotel, destroyed by fire years ago and unoccupied ever since that time, corner First South and Minnesota Streets.

The corner at present is owned by Messrs. Schoch and Graff. The former states that the building will be erected during the coming summer and that plans are now being prepared with that end in view. Whether or not the building will be erected by Dr. Schoch, or by the investment company in which he is heavily interested, is not given out for the present. The vacant property is a large one and probably only the front 75 feet will be used for store purposes. The property now owned by Math. Siebenbrunner, directly adjoining the Merchants hotel corner on the north, may also be included in the building operations, as all the owner of that property would have to do is to get an interest in the party wall and erect a front and rear. This is now under consideration by the parties interested.

Rumor has it that the new building is to be occupied by one of the local drug stores, but this could not be verified. One of the local barbers is figuring with the builders for the installation of up-to-date tonsorial parlors and this part of the deal probably will go through.

On the rear of the old hotel corner one

of the present garage men contemplate the erection of a new and modern building for his business, so that eventually that entire space will be occupied by various enterprises. The garage plans also will be executed by the architect within the next few days.

## ROCK COUNTY AUDITOR MISSING.

### Leaves Office in Broad Daylight And Mysteriously Disappears.

The disappearance of John Kelley, county auditor of Rock county, from his office at Luverne nearly two weeks ago, is causing the people of that section of the state no little excitement, as a statewide search has been instituted, there being a difference of opinion as to whether only the dead body of the man will be found or whether the missing official planned his disappearance in order to seek treatment in some sanitarium. The hope of finding him alive, however, seems to appear less probable as time passes, as news of Kelley's disappearance has been spread broadcast and all hospitals in the state and adjoining states have been notified.

Search for the missing man in the immediate vicinity of Luverne has been made more difficult of late on account of the deep snow and it is feared that the body will be carried away with the spring floods if it is not found before warmer weather sets in.

The county auditor walked out of his office a few weeks ago, went down town and talked with several acquaintances and then disappeared. Rumors that he had been seen walking towards the river and others that he had been seen in the vicinity of the railroad yards, gave rise to the suspicion that he had committed suicide in the one case and that he had boarded a freight train and left town in the other, but neither could even be verified, the parties not being sure of Kelley's identity.

## STORM AT TRACY, SUMMER WEATHER IN NEW ULM.

Reports from Tracy Monday were to the effect that a snowstorm was raging in that vicinity and that the train service probably would be crippled as a consequence for several days. At the time the news was received in this city, New Ulm was basking in the sunshine and enjoying the finest kind of spring weather.

While the news of the storm may have scared the railroad officials to some extent, it seems that the trains were held an unnecessary length of time at Sleepy Eye to give the storm a chance to blow over. From other sources than railroad circles comes the story that the crews on the trains held at Sleepy Eye had already put in as much time as is allowed under the state law and that the occasion for the delay was to give these men a chance to rest for a few hours while the blizzard story was mostly fairy tales, in other words, bunk.

## WILL IS CONTESTED.

The probating of the will of Emmanuel Kopp, who died about a month ago at the residence of Attorney Albert D. Flor, brought on a contest by several of the relatives of the deceased and objections were made to the probating of the document last Wednesday. Judge Ross decided that the will should be admitted to probate, but it is likely that the case will be further aired in the district court, unless settlement is made with the relatives. Under the will Mr. Flor becomes the sole executor and beneficiary to the amount of \$2,000 in personal property. Although all of the evidence was not introduced at the hearing last week, it is said that Mr. Kopp came to Mr. Flor some years ago and asked to be given a home, in return for which the latter would receive the proceeds from his personal property after death. Mr. Flor decided to agree to this and took the eccentric old gentleman into his home where he was taken care of and regarded as a member of the household. It seems that years ago Kopp disagreed with his relatives and would not seek them out when old age made it impossible for him to longer earn a livelihood, hence his appeal to the family of the young attorney. The contestants of the will are August Vogl of Sigel, a nephew of the deceased, and two sisters, Mrs. Julia Dahlke of Detroit, Mich. and Mrs. Anna Teske of South Dakota. There is also said to be a brother still in the old country, whose whereabouts, however, have not yet been ascertained.

There will be no city or rural deliveries on Washington's birthday, next Tuesday, Feb. 22nd. The carrier and general delivery windows will be open from 8:30 to 10 A. M. and the incoming and outgoing-mails will be taken care of.

## PUBLIC SPEAKERS EULOGIZE LINCOLN

### PROGRAM ARRANGED BY G. A. R. POST CARRIED OUT AT ARMORY.

### SPEECHES RECALL TROUBLOUS ANTEBELLUM DAYS OF EARLY '60'S.

Lincoln's birthday anniversary was observed in New Ulm last Saturday in manner befitting the occasion by a carefully planned and well carried out program at the new armory under the auspices of the G. A. R. The spacious hall was well filled and the several musical numbers, recitations and addresses were well rendered and greatly appreciated. The original program had to be changed somewhat on account of the illness of several of the participants and as carried out was as follows:

Invocation by Rev. E. F. Wheeler.

"Battle Hymn of the Republic," Boy Scouts.

"Lincoln's Gettysburg Speech," Armin Koehler, introduced by the chairman as the Abe Lincoln junior of New Ulm.

Address in German by Rev. C. Hohn. Song, "Cobwebs, H.S. Girls' Glee club. Recitation, "The American Flag," Miss Minnie Brust.

English address, A. D. Maes, department chaplain of the G. A. R., of Lakeland, Minn.

The exercises closed with the singing of "America" by the audience. Mrs. Wm. B. Mather presided at the piano.

Seats had been reserved for the members of the G. A. R. and for the Ladies of the G. A. R., members of Company A acting as ushers.

Rev. Hohn, who spoke in German prefaced his remarks with a brief sketch of the life of the Great Emancipator, then gave an interesting character study, first dwelling upon Lincoln's independence gained through his early experiences in life when he was confronted by and overcame obstacles which would have made a less determined man hesitate and become discouraged; second upon Lincoln's sense of justice and fairness, not alone as a lawyer, but also as a private citizen and public official, and third upon his optimism in life, ever looking upon the bright side of things, always looking hopefully into the future no matter how dire the distress of the present. He spoke of Lincoln's farsightedness as a statesman and that greatest of all qualifications which to this day endears him to the hearts of the American people—his great love for the human race. Speaking of Lincoln as the "War President," he enumerated the various classes of war—war for conquest, war for defense, war for liberty and war for the advancement of the human race. The latter was the war of Lincoln.

Rev. Maes, one of two surviving members of Lincoln's bodyguard, took as his topic, "From Log Cabin to White House;" He spoke of the early life of Lincoln; of the hardships on the frontier of Kentucky, Indiana and Illinois; of his business ventures, some of them failures and others a success; of his family, and lastly of the successive steps which finally culminated in his election to the highest office within the gift of the American people. Speaking of the years immediately preceding his elevation to the presidency, Rev. Maes said:

"In 1850 slavery was abolished in the District of Columbia. During the next five years Lincoln made many speeches and, in 1856, when 45 years old, was looked upon as the leader of the Republicans and his speech at the Bloomington Convention was regarded as the greatest ever made in Illinois. In 1859 he spoke in Ohio and Kansas. The following year he was persuaded to tour New England and spoke in New York City in February of that year at a mass meeting presided over by William Cullen Bryant.

"In March, 1860, the Republican convention at Chicago unanimously nominated him for the presidency; with Hannibal Hamlin as his running mate. Thus was Abraham Lincoln placed before the nation at 51 years of age as a candidate for the highest honor in its power to bestow. It had been a long and tedious passage from the log cabin to the White House, for half of his years had been spent in the wilderness without wealth or social position. He had raised himself by force of manly excellence of heart and brain and by the good Providence of God into national recognition.

"On February 11, 1861, shortly before his inauguration, he made a visit to his stepmother and afterward took a sad (Continued on Page 2)

## OUR MEN OF AFFAIRS

FROM GERMANY TO NEW ULM AT AGE OF TWELVE

ATTENDED GERMANY PARK SCHOOL TWO YEARS.

WHEN FOURTEEN HE WORKED ON THE FARM FOR FOUR DOLLARS A MONTH

HE WAS A PRINTER FOR A SHORT TIME AT LAMBERTON.

MEMBER AFARM KIT PROPERTY WOODMEN

COMPOSITOR AND NEWSBY NEW ULM POST 1890-1891-1892.

FOR MANY YEARS MEMBER 2ND REGIMENT BANK

NEW ULM REVIEW 1892-1893

COLUMBIA CLOTHING STORE

F. P. ZSCHUNKE, Propr. Columbia Clothing Store